

To: Zell, Christopher[zell.christopher@epa.gov]
Cc: Mann, Laurie[mann.laurie@epa.gov]
From: Kolosseus, Andrew (ECY)
Sent: Thur 9/15/2016 12:25:15 AM
Subject: RE: Discuss Deschutes Proposal(s)

Chris and Laurie:

Good to start getting these ironed out. I'll respond to a couple of them now while it's fresh and we can talk more on the 27th.

I thought that you and Laurie were trying hard to provide at least two proposals, but you weren't willing to commit to a date. The "two proposals" approach was actually your idea, if I remember correctly. Rich and I were frustrated that EPA wasn't able to actually commit to providing something by a specific date as we approach the one year anniversary of the TMDL submittal, hence our desire to have Heather talk with Dan. Does this match your recollection?

Thank you for considering Ecology's secondary proposal, and I appreciate the homework you are putting into it to see if it is feasible. For your request on how it addresses the eight issues, do you want this in writing or in-person at the meeting? I'm happy to write it if you want. I do feel the need to remind everyone that I adamantly disagree with many of the eight issues on substantive and/or process grounds, but regardless of that disagreement I hope we can reach agreement on the path forward. It will be essential for EPA to work with Ecology holistically (Laurie working with Helen, I assume) since some of your issues would affect many TMDLs statewide and were pretty novel to us.

While our proposal did not include a formal withdrawal for the listings that are not approved, I am open to discussing this option and look forward to seeing your proposal.

On Budd Inlet the two biggest questions are:

- Can EPA approve a TMDL considering the impact of the non-permitted Capitol Lake (see "significant challenges" of the draft workplan in section 6)? We chatted with Laurie about this in the past, but I think it is still an open question.
- Are there other approvability challenges? There's clear overlap in at least two of the

eight issues you identified for the Deschutes. What else? We need to know that now so we can either adjust the scope of work or discontinue the project.

And lastly, one follow-up for Laurie. The statewide TMDL management team (“A-team”) met today and your name came up twice. Helen will be checking in with you on the status of the TMDL checklist, and I’ll be working on a group to update/revise/simplify the TMDL template – we’ll want both the checklist and your input on that.

Phew, I think that’s it for the day.

Andrew

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From: Zell, Christopher [mailto:zell.christopher@epa.gov]
Sent: Wednesday, September 14, 2016 12:22 PM
To: Kolosseus, Andrew (ECY) <AKOL461@ECY.WA.GOV>
Cc: Mann, Laurie <mann.laurie@epa.gov>
Subject: RE: Discuss Deschutes Proposal(s)

Hi Andrew,

Please see below (in your preceding message list) for a few thoughts and comments (in green) for your consideration. We can discuss in more detail during our next call – or feel free to reply

back – or just let me know when might be a good time to have an interim chat. Thanks for your patience, tangential acceleration has governed my schedule this past week.

-Chris

From: Kolosseus, Andrew (ECY) [<mailto:AKOL461@ECY.WA.GOV>]
Sent: Monday, September 12, 2016 4:29 PM
To: Zell, Christopher <zell.christopher@epa.gov>; Mann, Laurie <mann.laurie@epa.gov>
Subject: RE: Discuss Deschutes Proposal(s)

Chris and Laurie:

Here's where I think we left things back on our September 2nd meeting, and some Budd Inlet information for Chris.

- We have our next meeting set for September 27th. Thanks, Chris, for setting this up.

Thank you, happy to do it ☺

- We need from EPA:

- Proposals (≥ 2) on moving forward

Did Laurie or I commit to providing at least two proposals in the near future? We have some ideas, but most of them will require some rework or revision (not extensive per se, but substantive in some instances).

- Feedback on Ecology's proposals

In reviewing your secondary option, it was not quite clear to us how the issues we have discussed are resolved by a partial approval. Thus, could you elaborate as to how the secondary option fully addresses the eight issues we have discussed? We are in the process of discussing procedures and legal matters with HQ associated with partial approval. Partial approvals, or approval of some smaller subset of waters, is an approach that I understand is rarely implemented in the TMDL program. If we mutually agree to go down this path, I would expect procedural details will take some time to work out as HQ consultation may be involved.

In our discussions regarding partial approval, it seems that some form of formal withdrawal correspondence may be needed for listings that are not approved. As this dialogue continues, it might be good to assess willingness to craft and submit such correspondence.

o EPA's stance on LWD / instream flow

I do not have anything to report on this matter yet. I anticipate that I will know more by the end of next week. How much more is a question mark.

•□□□□□ I talked to my management to get support from EPA management on getting these three items done by the end of October (or preferably sooner) so we move forward on this TMDL.

Understood. I have communicated to our management that resolution of this matter is desired by the end of October .

Does that cover it?

I think so, but I anticipate more interesting conversations in the future.

Chris, for engaging on Budd Inlet, here are a few key pieces:

Thank you Andrew!!

I likely will not be able to attend the meeting on Thursday but commit to reading all these references and providing any thoughts and feedback that I have. If there are any high leverage questions or decisions that you wish for us to prioritize, please let me know.

•□□□□□ Our draft work plan, attached.

•□□□□□ The draft presentation for Thursday's meeting, attached.

- TMDL website is at
<http://www.ecy.wa.gov/programs/wq/tmdl/deschutes/BudiInletCapitolLkTMDL.html>.
- Our advisory committee information is at
<http://www.ecy.wa.gov/programs/wq/tmdl/deschutes/advgrp.html>. Take a look at the four presentations in 2016 given by Lydia Wagner, me, and Anise.
- The most comprehensive (yet now out-of-date) analysis with old model runs is our 2015 supplemental modeling scenarios
<https://fortress.wa.gov/ecy/publications/SummaryPages/1503002.html>.

Hope that helps.

Andrew

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From: Kolosseus, Andrew (ECY)
Sent: Thursday, September 01, 2016 4:57 PM
To: 'Zell, Christopher' <zell.christopher@epa.gov>; Mann, Laurie <mann.laurie@epa.gov>
Subject: RE: Discuss Deschutes Proposal(s)

Chris and Laurie:

Here are my two options for our discussion tomorrow. I have shared the secondary option with

Rich Doenges, my boss, but not anyone else within Ecology management. So that's an important caveat. I know that Rich had significant concerns with some of it (he's definitely pushing from the preferred option), so he might attend part of the meeting tomorrow. We are very interested in any ideas that you might have moving forward (sounded like you've had discussions but nothing written yet – any ideas you can share at the meeting?).

Andrew

Preferred Option:

EPA approves the entire TMDL as submitted in December 2015. Ecology began work on this TMDL in 2003, and EPA was engaged in the process the entire time. Multiple EPA staff commented on draft versions of the TMDL and significant changes were made in good faith to address EPA's comments. Ecology engaged the tribe and stakeholders to finish this TMDL, and gained a remarkable amount of support given the complexity of the problem. The TMDL was a 12 year effort, and includes 75 foot buffers to increase shade, the most important factor related to temperature, dissolved oxygen, and pH. The TMDL also addresses bacteria and – at the request of Squaxin Island Tribe – fine sediment. The Deschutes TMDL is a priority in EPA's WQ measure 27. Approval of the TMDL will focus energy on implementation on the TMDL and the next phase of work in the watershed, Budd Inlet.

Secondary Option:

EPA partially approves the TMDL that Ecology submitted. EPA approves the TMDL for:

- Temperature on the Deschutes River below river km 45 (downstream of Offutt Lake where the criteria is 17.5 degrees and above the natural condition) {this tentatively includes listings 6576, 48711, and 48713}
- Fine sediment
- pH
- Bacteria

EPA takes no action on the dissolved oxygen and remaining temperature listings. This approach maintains the implementation plan that will be used by stakeholders and permittees to improve water quality in the basin, minimizes the amount of non-value-added work for all parties

involved, and focuses approval on the least controversial listings.

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From: Zell, Christopher [<mailto:zell.christopher@epa.gov>]
Sent: Thursday, September 01, 2016 9:07 AM
To: Kolosseus, Andrew (ECY) <AKOL461@ECY.WA.GOV>; Mann, Laurie
<mann.laurie@epa.gov>
Subject: RE: Discuss Deschutes Proposal(s)

Good Morning Andrew,

I was out all last week and am still catching up. We met a few weeks ago to discuss potential options for moving forward. It's not clear to me we have identified solid options for moving forward just yet that would not require some rework. Additional conversations are planned. Looking forward to our call tomorrow and hope you are well!

Chris

From: Kolosseus, Andrew (ECY) [<mailto:AKOL461@ECY.WA.GOV>]

Sent: Thursday, September 01, 2016 8:54 AM

To: Zell, Christopher <zell.christopher@epa.gov>; Mann, Laurie <mann.laurie@epa.gov>

Subject: RE: Discuss Deschutes Proposal(s)

Chris and Laurie:

Re-pinging on the e-mail below, and wanting to figure out details for tomorrow's meeting. I have a written proposal that I can share with you – either via e-mail if it's a phone meeting or you can look at my copy if we meet in person. What I am proposing is fairly straight-forward and could probably be adequately explained over the phone.

And Laurie, did you get a call from Nancy regarding Lower White River? It sounds like they are approved to discuss an option with us in mid-September and will begin writing something. While I don't know the details, I'm inferring from Nancy's non-answers to some of my questions that their option may not be something we would support. I am desperately hoping that I'm wrong.

Andrew

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From: Kolosseus, Andrew (ECY)

Sent: Tuesday, August 23, 2016 4:09 PM

To: 'Zell, Christopher' <zell.christopher@epa.gov>; Mann, Laurie <mann.laurie@epa.gov>

Subject: RE: Discuss Deschutes Proposal(s)

Good afternoon:

Hope everyone is enjoying our nice summer weather – August here is better than the Midwest!
To make sure we keep moving, here's the status as I see it.

- Any luck with the bacteria CFU translator proposal or a counter-proposal? Will you have something to discuss on this topic by Sept. 2?
- We'll meet on the 2nd – I'll share my multiple proposals for moving forward. EPA will share yours later in September as per Chris's e-mail below. Do you have a date for that?
- Kelly Susewind met with Jeff sometime recently. I've only heard the outcome second hand, but the short summary is there was nothing substantive. Was Dan O. going to check in with Kelly or Jeff?

Anything else?

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From: Zell, Christopher [<mailto:zell.christopher@epa.gov>]
Sent: Wednesday, August 10, 2016 8:36 AM
To: Kolosseus, Andrew (ECY) <AKOL461@ECY.WA.GOV>; Mann, Laurie <mann.laurie@epa.gov>
Subject: RE: Discuss Deschutes Proposal(s)

Sounds great Andrew, looking forward to our chat on September 2nd! ☺

Best,

Chris

From: Kolosseus, Andrew (ECY) [<mailto:AKOL461@ECY.WA.GOV>]
Sent: Tuesday, August 09, 2016 2:24 PM
To: Zell, Christopher <zell.christopher@epa.gov>; Mann, Laurie <mann.laurie@epa.gov>
Subject: RE: Discuss Deschutes Proposal(s)

Chris:

Thanks for the e-mail. Let's keep our September 2 meeting as a check-in phone call. Let's also set up another meeting in September by which time we all commit to resolving the bacteria issue and identifying proposals. I'll let you pick the date – I'm generally available any time after the 12th.

From a previous e-mail:

2. Develop potential solutions for all eight items (e.g. 5 buckets). Everything done except for bacteria CFU translator. EPA will either okay my proposal or counter-proposal. Andrew commits EPA to completing bacteria issues by the end of the month.
3. Laurie's idea of everyone coming up with multiple proposals (at least two) for an overall approach to moving forward on the TMDL. Proposals cover what we'll do for each parameter/listing. We set a meeting for Friday, Sept 2 from 10-12. We will strive to have sharable proposals by then, or share what we have, or postpone the meeting if necessary.

Andrew

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From: Zell, Christopher [<mailto:zell.christopher@epa.gov>]
Sent: Tuesday, August 09, 2016 12:50 PM
To: Mann, Laurie <mann.laurie@epa.gov>; Kolosseus, Andrew (ECY) <AKOL461@ECY.WA.GOV>
Subject: Discuss Deschutes Proposal(s)

Hi Andrew,

Hope you had a great weekend!

Could we move our discussion into September? In reviewing schedules and review timelines, it occurred to me that identifying definitive proposal(s) by late August might be challenging. We can keep this date to update each other if that makes sense. What are your thoughts?

Best,

Chris